

The following draft is a *working document only*.

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This document is not to be considered code, but provides a means of viewing the adopted Washington modifications to the 2001 FDA Food Code.

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**This document merges the revised 246-215 WAC with the 2001 FDA Food Code.**

- The original FDA Food Code wording is in black Arial font
- The 246-215 WAC amendments are in blue Times New Roman



# **Washington State Retail Food Code**

Chapter 246-215 Washington Administrative Code (WAC)

## **Working Document**

(2001 FDA Food Code as modified by Chapter 246-215 WAC)

Draft — October 19, 2004

## Preface

Chapter 246-215 Washington Administrative Code (WAC) provides the standards for food served or sold to the public of Washington State. The State Board of Health initiated a major revision of these rules in November 2001. As mandated in Revised Code of Washington (RCW) 43.20.145, the most recent FDA Food Code, the 2001 edition, has been used as the model for the revision. The revision of the Washington State Food Service Regulations resulted in modifications to the 2001 FDA Food Code. This document incorporates the modifications into the FDA Food Code. It is organized with the same structural nomenclature of the Food Code:

Chapter	9
Part	9-1
Subpart	9-101
Section (§)	9-101.11
Paragraph (¶)	9-101.11(A)
Subparagraph	9-101.11(A)(1)

FDA Food Code text is presented in Arial font, while text added by the WAC modifications is in Times New Roman. The WAC section that modifies the Food Code is located at the point of modification. CAPITALIZED words indicate that the word or phrase is defined in Chapter 1. Portions of some sections are written in *italics*. These provisions are not requirements, but are provided to convey relevant information about specific exceptions and alternative means for compliance.

## **Purpose, Authority and Performance Standards, Interpretation, Separability, Penalty and Effective Date**

### **Purpose and Authority.** [WAC 246-215-001]

The purpose of chapter 246-215 WAC is to establish state board of health standards for food service under RCW 43.20.050 to promote and protect the health, safety, and well-being of the public and prevent the spread of disease through food.

### **Minimum performance standards.** [WAC 246-215-005]

- (1) Any person owning, operating, or working in a food establishment must comply with and is subject to:
  - (a) The requirements of chapters 1 through 8 of the 2001 *Food Code* published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration (copies available as report number PB 2002100819 through the U.S. Department of Commerce, Technology Administration, National Technical Information Service); and
  - (b) The other provisions of this chapter.
- (2) If a provision or definition of the *Food Code* is inconsistent with a provision or definition otherwise established under this chapter, the requirement established under this chapter shall apply.

### **Interpretation.** [WAC 246-215-280]

- (1) The regulatory authority must enforce these regulations in accordance with the interpretations contained in the 2001 edition of the *Food Code* of the United States Public Health Service, Food and Drug Administration, where applicable.
- (2) If a section of these regulations conflicts with the *Food Code*, these regulations apply.
- (3) When a regulatory authority adopts rules with more stringent provisions than those contained in these regulations, the more stringent rules apply.
- (4) Designations in the *Food Code* of critical, noncritical, and swing violations do not apply.

### **Separability clause.** [WAC 246-215-290]

If any section, paragraph, clause, or phrase of these rules and regulations be declared unconstitutional or invalid for any reason, the remaining rules and regulations will not be affected.

### **Penalty clause.** [WAC 246-215-300]

Any person violating, refusing, or neglecting to comply with these regulations:

- (1) Will, upon conviction, be guilty of a misdemeanor under RCW 70.05.120; or
- (2) May be subject to a civil penalty under local health department/district rules and regulations.

### **Effective date.** [WAC 246-215-311]

The revised provisions of this chapter, as adopted by the state board of health on September 8, 2004, will become effective beginning May 2, 2005.

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